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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,112	02/10/2004	Robert G. Barnes	03292.101300.1	2111
66569 7590 11/13/2007 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER MEYERS, MATTHEW S	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 11/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,112	<b>Applicant(s)</b> BARNES ET AL.	
	<b>Examiner</b> Matthew S. Meyers	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to applicant's communication on 8/09/07, wherein claims 1-11 are currently pending.

#### ***Requirement for Information under 37 CFR 1.105***

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Upon conducting a search, Examiner would like information regarding what applicant's "initiate the refund process" consists of, as described in the Business Wire Article entitled "American Express Expands RoundTrip Services With Array of New Products and Services" which was published on July 15, 1997, almost 2 years prior to applicant's earliest filed application. In that publication, it states, "Ticket TRAX is a service that identifies unused electronic tickets and initiates the refund process, notifying the traveler and delivering monthly detailed reports to the travel manager." (Business Wire, Page 3). Additionally, in an M2 Presswire article, entitled "American Express Ticket TRAX service launches for American Express business travel clients" dated March 12, 1999, it states, "Ticket TRAX has given us an easy and accurate way to find and process unused refundable electronic tickets. We estimate this service saved Monsanto \$75,000 last year, and will save \$120,000 in 1999." Examiner would like to know how the refund process described being used here is preformed.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of the requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97 where appropriate.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure. In response to this requirement, please provide a list of keywords that are particularly helpful in locating publications related to the disclosed art of cross purchase.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

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This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1, 2, 4-5, 7, 9-11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al (US 7,050,986) (Hereinafter Vance) in view of Business

Wire Article entitled "American Express Expands RoundTrip Services With Array of New Products and Services" (July 15, 1997) (Hereinafter referred to as Business Wire).

5. With respect to **Claims 1, 2, 4-5, 7, 9-11**:

Vance discloses a computer-implemented method for facilitating an automated redemption of an unused electronic ticket comprising steps of (Vance, column 10, lines 29-37, Fig. 11):

setting, via a computer system, an aging period (Vance, column 10, lines 29-37, Fig. 11, "lists tickets older than a given number of days");

identifying, via a computer system, a scheduled date of an issued ticket; (Vance, column 10, lines 29-37, Fig. 11, item 312, "data from table");

transmitting the report to at least one of a client travel agency and a client of the unused ticket (Vance, column 10, lines 35-37, "reports");

Vance does not explicitly disclose, adding, via a computer system, the aging period to the scheduled date, determining at the schedule date plus the aging period whether the issued ticket has been used, if the ticket has not been used, identifying the issued ticket as an unused ticket and setting a ticket status field in a table; and calculating, via a computer system, a redemption value of the unused ticket and setting a redemption value filed in the table; and generating a report based on the table

However, Business Wire teaches a service, Ticket TRAX which initiates the refund process. Ticket TRAX is a service that identifies unused electronic tickets and initiates the refund process, notifying the traveler and delivering monthly detailed reports to the travel manager (Business Wire, Page 3). Although not explicitly disclosed one of

ordinary skill in the art at the time of the invention would have found adding the aging period to the scheduled date, determining at the schedule date plus the aging period whether the issued ticket has been used, if the ticket has not been used, identifying the issued ticket as an unused ticket and setting a ticket status field in a table, and calculating a redemption value of the unused ticket and setting a redemption value filed in the table to be obvious in view of KSR, and common sense based on the teachings of Business Wire a time based system. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the tracking system of Vance with the Ticket TRAX service as taught in Business Wire to simplify the arduous task of not only tracking a corporations unused tickets but to refund them as well. This combination would logically address the need set forth by Vance, for a corporate travel planning and management system, which allows automated travel planning and expense reporting (Vance col. 2, lines 33-39) as well as automating its returns of unused tickets, thereby increasing customer productivity, and reducing business latency, while encouraging consumers to switch to electronic tickets.

6. **Claims 2, 4-5 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance in view of Evans as applied to claim 1 above, and further in view of Business Wire article, entitled "American Express Expands RoundTrip Services With Array of New Products and Services" (July 15, 1997) (Hereinafter referred to as Business Wire).

7. With respect to **Claim 2**:



Vance discloses the reporting of unused tickets (Vance col. 10, lines 30-37).

Vance does not explicitly disclose a step of processing, by the client travel agency, a refund of the unused ticket. However, Business Wire teaches the step of processing, by said client travel agency, a refund of said unused ticket (Business Wire Paragraph 8, "Ticket TRAX is a service that identifies unused electronic tickets and initiates the refund process...").

8. With respect to **Claim 3:**

Cancelled

9. With respect to **Claim 4:**

Business Wire discloses collecting ticket data from a financial transaction account, wherein the ticket data is used to determine an issued ticket for any plurality of selected purchasers (Business Wire Paragraph 9, "The software then enables companies to approve and audit the expense reports electronically and post them to general account systems.").

10. With respect to **Claim 5:**

Business Wire discloses wherein the ticket is at least one of a paper ticket and an electronic ticket (Business Wire Paragraph 8, "Ticket TRAX is a service that identifies unused electronic tickets...").

11. With respect to **Claim 7:**

Business Wire discloses the ticket is an electronic ticket which that includes a plurality of data fields and wherein the step of calculating, includes the plurality of data fields to a customer service tool and receiving the redemption value from the customer



service tool (Business Wire Paragraph 8, "Ticket TRAX is a service that identifies unused electronic tickets and initiates the refund process, notifying the traveler and delivering monthly reports to the travel manager.").

12. With respect to **Claim 9**:

13. Business Wire discloses wherein the ticket corresponds to any of a plurality of selected purchasers (Business Wire Paragraph 8, "Ticket TRAX is a service that identifies unused electronic tickets and initiates the refund process, notifying the traveler and delivering monthly reports to the travel manager.").

14. With respect to **Claims 10 and 11**:

Vance discloses a computer system and program product comprising a processor and a memory storing control logic for causing the processor to perform a method for facilitating an automated redemption of an unused ticket (Vance, column 4, lines 4-30, column 10, lines 29-37, and Fig. 11), wherein the control logic includes:

setting, via a computer system, an aging period (Vance, column 10, lines 29-37, Fig. 11, "lists tickets older than a given number of days");

identifying, via a computer system, a scheduled date of an issued ticket; (Vance, column 10, lines 29-37, Fig. 11, item 312, "data from table");

transmitting the report to at least one of a client travel agency and a client of the unused ticket (Vance, column 10, lines 35-37, "reports");

Vance does not explicitly disclose, adding, via a computer system, the aging period to the scheduled date, determining at the scheduled date plus the aging period whether the issued ticket has been used, if the ticket has not been used, identifying the

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issued ticket as an unused ticket and setting a ticket status field in a table; and calculating, via a computer system, a redemption value of the unused ticket and setting a redemption value filed in the table; and generating a report based on the table

However, Business Wire teaches a service, Ticket TRAX which initiates the refund process. Ticket TRAX is a service that identifies unused electronic tickets and initiates the refund process, notifying the traveler and delivering monthly detailed reports to the travel manager (Business Wire, Page 3). Although not explicitly disclosed one of ordinary skill in the art at the time of the invention would have found adding the aging period to the scheduled date, determining at the schedule date plus the aging period whether the issued ticket has been used, if the ticket has not been used, identifying the issued ticket as an unused ticket and setting a ticket status field in a table, and calculating a redemption value of the unused ticket and setting a redemption value filed in the table to be obvious in view of KSR, and common sense based on the teachings of Business Wire a time based system.. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the tracking system of Vance with the Ticket TRAX service as taught in Business Wire to simplify the arduous task of not only tracking a corporations unused tickets but to refund them as well. This combination would logically address the need set forth by Vance, for a corporate travel planning and management system, which allows automated travel planning and expense reporting (Vance col. 2, lines 33-39) as well as automating its returns of unused tickets, thereby increasing customer productivity, and reducing business latency, while encouraging consumers to switch to electronic tickets.

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15. **Claims 6, 8 and 12-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance in view of Business Wire as applied to claims 1, 2, 4-5, 7, 9-11 above, and further in view of M2 Presswire article, entitled "American Express Ticket TRAX service launches for American Express business travel clients" (March 12, 1999) (Hereinafter referred to as M2 Presswire).

16. With respect to **Claim 6**:

Neither Vance nor Business Wire explicitly discloses the step of separating non-refundable tickets. However, M2 Presswire teaches separating non-refundable tickets (M2 Presswire Paragraph 4 "During pilot test, American Express found that nearly two percent of all electronic tickets contain at least one refundable segment...") (Examiner notes that in order to find that nearly two percent of all electronic ticket contain at least one refundable segment it would be necessary to separate non-refundable tickets out). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the reporting of unused tickets as disclosed in Vance and the initiated refund service in Business Wire with the Ticket TRAX service as taught in M2 Presswire in order to properly process the automated returns.

17. With respect to **Claim 8**:

M2 Presswire discloses the step of identifying is based upon an analysis of at least one of a client travel agency database and a global distribution system (M2 Presswire Paragraph 6, "The Ticket Trax system logs a record of all electronic tickets booked by a corporation's employees through American Express Travel. Then it checks

the computer reservations systems (CRSs) after a specified period of time to determine if all segments of the ticket were used.”).

18. With respect to **Claim 12**:

M2 Presswire discloses collecting said scheduled date of said issued ticket and identifying whether said issued ticket has been used using a plurality of central reservation system databases .

19. With respect to **Claim 13**:

M2 Presswire discloses collecting said scheduled date of said issued ticket and identify whether said issued ticket has been used using a plurality of central reservation system databases (M2 Presswire Paragraph 6, “The Ticket Trax system logs a record of all electronic tickets booked by a corporation’s employees through American Express Travel. Then it checks the computer reservations systems (CRSs) after a specified period of time to determine if all segments of the ticket were used.”).

20. With respect to **Claim 14**:

M2 Presswire discloses collecting said scheduled date of said issued ticket and identify whether said issued ticket has been used using a plurality of central reservation system databases (M2 Presswire Paragraph 6, “The Ticket Trax system logs a record of all electronic tickets booked by a corporation’s employees through American Express Travel. Then it checks the computer reservations systems (CRSs) after a specified period of time to determine if all segments of the ticket were used.”).

21. With respect to **Claims 15-17**:

22. M2 Presswire discloses wherein a third party issuing agency is notified that the unused ticket was purchased with a charge card (M2 Presswire, "Ticket Trax also provides the travel manager with a monthly report documenting the amount of money Ticket Trax has saved.").

***Response to Arguments***

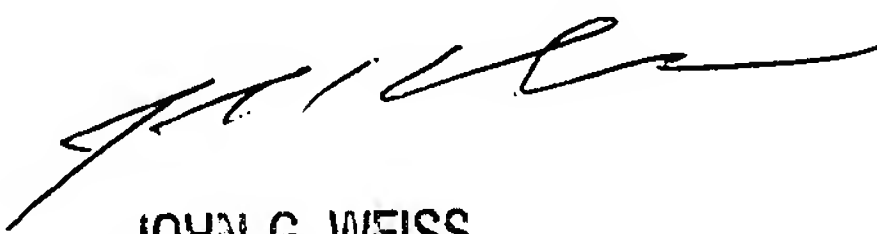
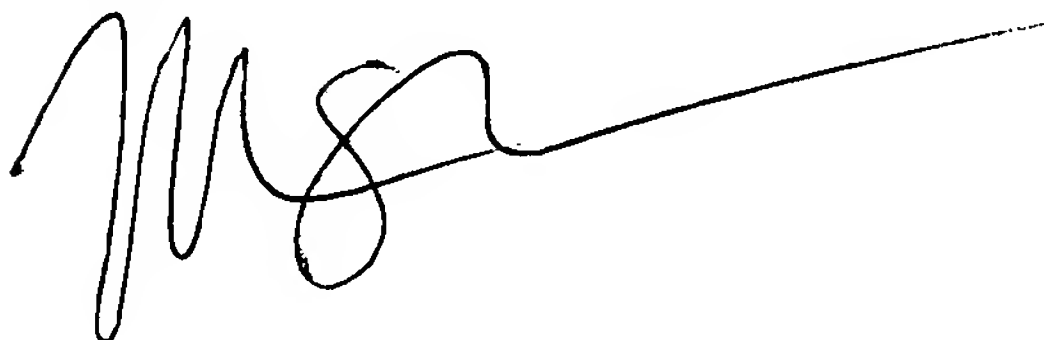
23. Applicant's arguments with respect to claims 1, 2, 4-17 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Meyers whose telephone number is (571)272-7943. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571)272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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